

EXHIBIT E

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

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4 In Re:

5 Bair Hugger Forced Air Warming

6 Products Liability Litigation

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8 This Document Relates To:

9 All Actions MDL No. 15-2666 (JNE/FLM)

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13 DEPOSITION OF THOMAS H. KUEHN

14 VOLUME I, PAGES 1 - 351

15 JULY 10, 2017

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18 (The following is the deposition of THOMAS

19 H. KUEHN, taken pursuant to Notice of Taking

20 Deposition, via videotape, at the offices of Ciresi

21 Conlin L.L.P., 225 South 6th Street, Suite 4600,

22 Minneapolis, Minnesota, commencing at approximately

23 9:25 o'clock a.m., July 10, 2017.)

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1 P R O C E E D I N G S

2 (Witness sworn.)

3 THOMAS H. KUEHN

4 called as a witness, being first duly sworn,
5 was examined and testified as follows:

09:24:57 6 ADVERSE EXAMINATION

09:24:57 7 BY MR. ASSAAD:

09:25:03 8 Q. Good morning. Can you please state your
09:25:04 9 name.

09:25:04 10 A. Yes. My name is Thomas Howard Kuehn.

09:25:07 11 Q. Do you go by Mr. Kuehn or Dr. Kuehn?

09:25:11 12 A. Dr. Kuehn is just -- is fine.

09:25:14 13 Q. Okay. My name's Gabriel Assaad and I'm here
09:25:19 14 with Genevieve Zimmerman, and we represent over 2,000
09:25:24 15 plaintiffs in this multi-district litigation. Now
09:25:27 16 before I begin I just want to go over a few
09:25:29 17 instructions.

09:25:29 18 Have you ever had your deposition taken?

09:25:30 19 A. I have.

09:25:30 20 Q. Approximately how many times?

09:25:31 21 A. Twice.

09:25:32 22 Q. Well I'm going to go through a couple of the
09:25:36 23 ground rules. I'm going to ask you numerous
09:25:40 24 questions. If you don't understand my question,
09:25:41 25 please let me know. Fair?

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16:06:48 1 Q. Okay. And you agree that ASHRAE, any of the
16:06:56 2 standards or best practices do not apply to medical
16:07:00 3 devices; correct?

16:07:01 4 A. I believe that's a correct statement.

16:07:04 5 Q. So to determine or to select a filter for a
16:07:13 6 medical device, you have to look at how the medical
16:07:19 7 device is used and the environment of use; correct?

16:07:22 8 A. That's correct.

16:07:23 9 Q. Okay. The ASHRAE standard has -- is not
16:07:28 10 applicable at all to medical devices such as the Bair
16:07:32 11 Hugger; correct?

16:07:33 12 A. It was not intended to be used for medical
16:07:36 13 devices.

16:07:36 14 Q. Go to page 157. There's a diagram that's
16:07:51 15 highlighted. That's an operating room, --

16:07:54 16 A. Yes.

16:07:55 17 Q. -- a schematic of an operating room;
16:07:57 18 correct?

16:07:57 19 A. Yes.

16:07:58 20 Q. Are you familiar with how an HVAC system
16:08:00 21 works in an operating room?

16:08:01 22 A. Not having worked with operating rooms
16:08:03 23 personally, I rely on documents such as this.

16:08:06 24 Q. How many filters does -- does the air go
16:08:08 25 through before it enters an operating room?